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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,276	12/03/2003	Brian Jones	60001.283US01	5987
27488 7590 08/20/2008 MERCHANT & GOULD (MICROSOFT) P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903				
EXAMINER				
LUDWIG, MATTHEW J				
ART UNIT		PAPER NUMBER		
2178				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/727,276

Applicant(s)

JONES ET AL.

Examiner

MATTHEW J. LUDWIG

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office is in response to the amendment received 5/16/08.
2. Claims 1-19 are pending in the application. Claims 1, 9, and 16, are independent claims.
3. Claims 1-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Ayers in view of AbiWord Schema have been modified in response to the amendment. The claim objections regarding independent claim have been withdrawn pursuant to applicant's amendment.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Reilly, 'HTML & XHTML The Definitive Guide', Fourth Edition, Copyright 2000.**

In reference to independent claim 1, O'Reilly teaches:

'determining a start feature tag location for a non-structured feature; determining an end feature tag location for the non-structured feature; wherein the non-structured feature spans a range beginning at a location associated with the feature tag location and ends at a location associated with the end feature tag location; wherein the range encompasses other tags in the ML document'. The example provided illustrates a determination made that indicates a start tag and end tag of non-structured content. See page 1 of 6.

'placing a start feature tag at the start feature tag location; wherein the start feature tag is an empty tag that does not include other elements; and placing an end feature tag at the end feature tag location, wherein the end feature tag is an empty tag that does not include other elements; and wherein the start feature tag and the end feature tag are separated by the range while maintaining a well formed ML document'. The example allows for the creation of empty tags in a markup language document to mark empty table cells. The table found on page 3 provides multiple ways to create empty tags while maintaining a well formed ML document.

In reference to dependent claim 2, O'Reilly teaches:

Each tag includes a bracket which provides a proficient example of a identifier attribute, as presently claimed. See page 1 of 8.

In reference to dependent claim 3, O'Reilly teaches:

The angled bracket provides a value, as presently claimed, for both start and end tags within the ML document. See page 1 and 2 of 8.

In reference to dependent claim 4, O'Reilly teaches:

The methods taught in the reference to O'Reilly are XML standards and thus provide the framework for XML markup language documents.

In reference to dependent claim 5, O'Reilly teaches:

The example found in 16.3.1. of the O'Reilly reference provides two different tags with two different names. See page 1 of 8.

In reference to dependent claim 6, O'Reilly teaches:

The empty tags examples found on page 3 of 5 disclose empty tags for bookmarks as presently claimed. See page 3 of 8.

In reference to dependent claim 7 and 8, O'Reilly teaches:

The empty tags examples found on page 3 of 5 disclose empty tags for indexing and annotating, as presently claimed. See page 3 of 8. The language found within dependent claim 8 states 'may be' used for at least one function, etc. The language fails to provide an definitive step and as such, the function selected from the group may never be selected.

In reference to claims 9-15, the claims recite the computer-readable medium for performing similar functions as the method claims 1-8. Therefore, the claims are rejected under similar rationale.

In reference to claims 9-15, the claims recite the system for performing similar functions as the method claims 1-8. Therefore, the claims are rejected under similar rationale.

Response to Arguments

6. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Applicant made amendments to the independent claims and thus changed the scope of the invention. The Examiner withdrew the rejections made to the claims and changed the rejection as necessitated by the amendment.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. LUDWIG whose telephone number is (571)272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit
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